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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVIDSON et al.

Atty. Ref.: 4398-555

Serial No. 10/584,711

TC/A.U.: TBA

Filed: June 26, 2006

Examiner: TBA

For: COMPACT ORONASAL PATIENT INTERFACE

* * * * *

November 8, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO/SB/08a is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a. Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. § 1.704(d).

c. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

a.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our check in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).

a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. Relevance of the non-English language document(s) is discussed in the present specification.

5. Some of the document(s) were cited in corresponding foreign applications. An English language version of each foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. U.S. Patent No. is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of listed on the attached foreign search report.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

7. Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date. Applicants reserve the right to establish the publication date in the event one or more claims is rejected based on such references.

9. The publication date of at least one document is listed on the attached PTOPTO/SB/08a based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTOPTO/SB/08a , and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-555.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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(Use several sheets if necessary)

INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO. 4398-555
SERIAL NO. 10/584,711
APPLICANT DAVIDSON et al.
FILING DATE June 26, 2006
TC/A.U. TBA

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,271,391	12/1993	GRAVES			
	5,533,506	07/1996	WOOD			
	4,367,735	01/1983	DALI			
	4,406,283	09/1983	BIR			
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	5,188,101	02/1993	TUMOLO			
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	5,526,806	01/1996	SANSONI			
	5,682,881	11/1997	WINTHROP ET AL.			
	D333,015	02/1993	FARMER ET AL.			
	3,670,726	03/1972	MAHON ET AL.			
	3,739,774	06/1973	GREGORY			
	3,861,385	01/1975	CARDEN			
	3,902,486	09/1975	GUICHARD			
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	4,267,845	05/1981	ROBERTSON, JR. ET AL.			
	4,312,359	01/1982	OLSON			
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	4,753,233	06/1988	GRIMES			
	4,899,740	02/1990	NAPOLITANO			

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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INFORMATION DISCLOSURE CITATION		ATTY. DOCKET NO. 4398-555	SERIAL NO. 10/584,711
		APPLICANT DAVIDSON et al.	
(Use several sheets if necessary)		FILING DATE June 26, 2006	TC/A.U. TBA

	4,915,105	04/1990	LEE			
	5,000,173	03/1991	ZALKIN ET AL.			
	5,022,900	06/1991	BAR-YONA ET AL.			
	5,025,805	06/1991	NUTTER			
	5,113,857	05/1992	DICKERMAN ET AL.			
	5,137,017	08/1992	SALTER			
	5,335,656	08/1994	BOWE ET AL.			
	5,375,593	12/1994	PRESS			
	5,400,776	03/1995	BARTHOLOMEW			
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	3,754,552	08/1973	KING			
	6,595,214	07/2003	HECKER ET AL.			
	6,581,602	07/2002	KWOK ET AL.			

*Examiner

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	APPLICANT	
	DAVIDSON et al.	
(Use several sheets if necessary)	FILING DATE	TC/A.U.
	<u>June 26, 2006</u>	<u>TBA</u>

	6,357,441	03/2002	KWOK ET AL.		
	6,439,234	08/2002	CURTI ET AL		
	2006/0124131	06/2006	CHANDRAN ET AL.		

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

Respironics Co. – Mask Family – http://masksfamily.respironics.com/ viewed on 7-24-06
ResMed Co. – Mask Products – http://resmed.com/portal/site/ResMedUS/index.jsp?... viewed on 7-24-06
Fisher and Paykel Co. – Product Family – http://www.fphcare.com/osa/products.asp/ viewed on 7-24-06
Hans Rudolph, Inc. – Mask Products – http://www.rudolphhc.com/products.php?category=MASKS viewed on 7-24-06
SNAPP NASAL INTERFACE, Tiara Medical Systems, Inc. – http://www.tiaramed.com/asp_shops/shopdisplayproducts.asp?id=109&cat=SNAPP%2A+Nasal+Interface viewed on 7-24-06
U.S. Provisional Application No. 60/634,802, filed Dec. 10, 2004
U.S. Provisional Application No. 60/645,672, filed Jan. 21, 2005

*Examiner

Date Considered

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